Remarks

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and following remarks.

Thus, claim 1 has been amended to require that the crosslinking agent is a polyvalent metal salt having sufficient solubility to the exudation, which is based on the disclosure at page 13, lines 14-16 and 20 of the specification.

Claim 13 has been amended to change "macrogol" to --polyethylene glycol--, in response to the rejection of this claim under the second paragraph of 35 U.S.C. §112, as a result of which this rejection has been rendered moot. A similar amendment has been made in claim 15.

Applicants respectfully submit that these amendments should be entered, even though they are presented after a final rejection, since the Examiner has applied new references against the claims, and furthermore, the change from "macrogol" to --polyethylene glycol-- addresses only the rejection under 35 U.S.C. §112.

The patentability of the presently claimed invention over the disclosures of the references relied upon by the Examiner in rejecting the claims, will be apparent upon consideration of the following remarks.

Thus, the rejection of claims 1, 2, 6, 7 and 13 under 35 U.S.C. §102(b) as being anticipated by Mizobuchi et al. (WO '651/US '355) is respectfully traversed.

The Examiner refers to the preparations described in Table 4 of Mizobuchi et al., and states that "[t]he polymer is in sol (uncrosslinked) state prior to use insofar as it has not been crosslinked with said crosslinking agent."

However, to the contrary, the polymer in the preparation of Mizobuchi et al. is **in gel state** and **is crosslinked**.

The preparations in Table 4 of Mizobuchi et al. are cataplasms, and a method for preparing such cataplasms is described in column 4, lines 25 to 32 of Mizobuchi et al. As the description indicates, cataplasms are prepared by dissolving a tackfier and a viscosity increaser in a polyhydric alcohol; adding and homogeneously mixing Aspirin, the stabilizing agent and

another additive; and then adding a crosslinker to prepare adhesive **gel** bases. According to this method, a crosslinker is dissolved in a solvent, i.e. a polyhydric alcohol, and crosslinks a polymer and turns the polymer into a gel.

Therefore, polyacrylic acid in Table 4 of Mizobuchi et al. is already gelled.

In contrast thereto, the preparation of the present invention is an **ointment**, not a cataplasm.

Furthermore, the Examiner states that glycerin is a bactericidal agent. However, glycerin is **not** a bactericidal agent. An interfacially active ester consisting of glycerin and a long-chain aliphatic acid is used as a bactericidal agent, but glycerin itself is **not** a bactericidal agent. In the cataplasms of Table 4 of Mizobuchi et al., glycerin is used as a solvent for dissolving components such as polyacrylic acid according to the above-mentioned production method.

As apparent from the foregoing comments, the ointment external preparation of the present invention is not the same as the preparations in Table 4 of Mizobuchi et al., and therefore, this reference does not anticipate the present claims.

Applicants further note that, although the Examiner states Mizobuchi et al. teach sodium polyacrylate (referring to column 3, line 42 of the reference), the sodium polyacrylate is described at a component of cataplasms, and is not a component of an ointment.

For these reasons, Applicants take the position that the rejection for anticipation based on the Mizobuchi et al. reference should be withdrawn.

The rejection of claims 10, 14 and 15 under 35 U.S.C. §103(a) as being unpatentable over Mizobuchi et al. in view of Dow et al. (US '700) is respectfully traversed.

The Examiner states that Dow et al. describe sorbitan sequioleate and Mizobuchi et al. describe sorbitan sequoleate. However, these sorbitan esters are surfactants, as noted by the Examiner.

On the other hand, the sugars used in the present invention are **not** surfactants. The examples of the sugars described in the specification are obviously not interfacially active (please see page 18, lines 5 to 12 of the specification). Further, the action of the sugars used in the present invention is different from the action of a surfactant. For example, the sugars of the

present invention are used for treating wounds, and have bacteriostatic action and granulation promoting action (please see page 8, lines 1-4 in the specification), and sucrose is effective in draining the exudation from the wounded parts (please see page 2, lines 3-10 in the specification).

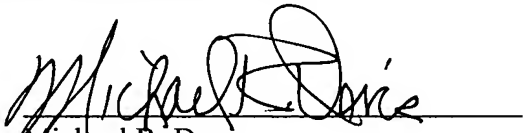
Thus, the sugars of the present invention are different from the surfactants described in Dow et al. and Mizobuchi et al., and are not at all equivalent to a surfactant.

For these reasons, Applicants take the position that the presently claimed invention is clearly patentable over the applied references.

Therefore, in view of the foregoing amendments and remarks, it is submitted that each of the grounds of rejection set forth by the Examiner has been overcome, and that the application is in condition for allowance. Such allowance is solicited.

Respectfully submitted,

Hidetoshi HAMAMOTO et al.

By: 

Michael R. Davis
Registration No. 25,134
Attorney for Applicants

MRD/pth
Washington, D.C. 20005-1503
Telephone (202) 721-8200
Facsimile (202) 721-8250
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